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[Ed. Note.—For other cases, see *Equity*, Cent. Dig. §§ 1065-1070; Dec. Dig. § 442.* 2 Va.-W. Va. Enc. Dig. 391; 14 Va.-W. Va. Enc. Dig. 154; 15 Va.-W. Va. Enc. Dig. 123.]

3. Equity (§ 446*)—Bill of Review—Grounds.—Where, in a suit to enforce a mechanic's lien, the commissioner's report as to the mechanic's and vendors' liens and their priorities was not excepted to, relief against alleged errors therein could not be given on a bill of review, as the priority of such liens might have been affected by extraneous evidence.

[Ed. Note.—For other cases, see *Equity*, Cent. Dig. §§ 1079-1090; Dec. Dig. § 446.* 2 Va.-W. Va. Enc. Dig. 391; 14 Va.-W. Va. Enc. Dig. 154; 15 Va.-W. Va. Enc. Dig. 123.]

4. Equity (§ 442*)—Bill of Review—Grounds.—That, in a suit to enforce a mechanic's lien, the lien and the deeds in which the vendors' liens were retained were filed as evidence with the bill did not authorize the correction of the commissioner's report as to the priority of such liens on a bill of review.

[Ed. Note.—For other cases, see *Equity*, Cent. Dig. §§ 1065-1070; Dec. Dig. § 442.* 2 Va.-W. Va. Enc. Dig. 391; 14 Va.-W. Va. Enc. Dig. 154; 15 Va.-W. Va. Enc. Dig. 123.]

Appeal from Circuit Court, Wise County.

Suit by D. J. Phipps against the Wise Hotel Company and others, in which H. H. Dotson filed a bill of review. From a decree granting the relief sought by the bill of review, the original complainant appeals. Reversed, and decree entered, dismissing the bill of review, and remanding the case.

Bond & Bruce, of Wise, for appellant.

E. L. Barr and *E. M. Fulton*, both of Wise, for appellees.

HOUNSHELL v. HOUNSHELL.

Sept. 7, 1914.

[82 S. E. 689.]

1. Appeal and Error (§ 125*)—Right to Appeal—Consent Decrees.—A consent decree waives all errors and is not subject to review.

[Ed. Note.—For other cases, see *Appeal and Error*, Cent. Dig. § 883; Dec. Dig. § 125.* 1 Va.-W. Va. Enc. Dig. 466.]

2. Appeal and Error (§ 125*)—Right to Appeal—Consent Decrees.—In a suit to settle an estate, to construe a deed by the decedent, and an agreement between the decedent and his son D., a decree was entered construing the two instruments, and appointing a commissioner to report the value and kind of the estate. Prior to the

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

signature of the judge were the words "agreed to," signed by the counsel for all of the parties. Thereafter another decree was entered, confirming the commissioner's report, and carrying into effect the provisions of the first decree, at the foot of which was indorsed, "We agree that the foregoing decree may be entered," signed by counsel for all parties. D. claimed that his consent to the first decree had reference only to an agreed settlement of the controversy growing out of the deed in which he had no interest, and that he did not consent to the construction placed upon the agreement between himself and his father, and, further, that the indorsements were merely intended as notice to the court that the counsel interested had seen the decree. Held, that the decrees must be regarded as entered by consent, and hence were nonappealable.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 883; Dec. Dig. § 125.* 1 Va.-W. Va. Enc. Dig. 466.]

Appeal from Circuit Court, Smyth County.

Suit by P. W., Hounshell and others against D. S. Hounshell and others, to settle the estate of Joseph S. Hounshell, deceased. From certain decrees, defendant D. S. Hounshell appeals. Appeal dismissed.

W. B. Kegley, E. Lee Trinkle, and J. J. A. Powell, all of Wytheville, for appellant.

B. F. Buchanan, of Marion and *S. B. Campbell*, of Wytheville, for appellees.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.